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August 26, 2015

Emily Cummings, AUSA
US Attorney's Office
1 Courthouse Way, 9 Fl
Boston, MA 02210

BY ECF

Re: *US v. Deronn Funches*, Case No. 1:15-cr-10145-8 RGS

Dear Emily,

Please have your office provide automatic discovery. Defendant has received no automatic discovery since his June 18, 2015 initial appearance. In light of the government's concerns, Mr. Funches requests that the discovery be provided on compact disks with all .pdf files to be watermarked with his name. Please send one set of disks (or a hard drive) to this office and another to Donald W. Wyatt Detention Center for defendant's use.

Defendant Funches will agree to an order prohibiting the dissemination of copies of discovery materials except to counsel and to persons working under counsel's direction on the defense of this matter such as office staff, investigators, experts other counsel employed by or cooperating with the preparation of the defense. All such authorized persons would sign an acknowledgement that they are subject to the order. Defendant will be provided water marked copies of discovery and given access on request at his detention center to computers for reviewing discovery materials. Nothing in the foregoing would limit the disclosure of specific discovery materials for the preparation of the defense.

AUSA Emily Cummings
August 26, 2015

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The defense appreciates the government's wish to use cloud storage and downloading of discovery files but respectfully declines. Downloading, opening and watermarking some 8,000 pages of files will result in an unreasonable expenditure of billable hours for counsel and excessive use of CJA/AOC funds. Since the government creates and maintains these files and has system administrator access to them on its servers, it may watermark files more efficiently. Defendant may further object to the use of cloud files because the government's server will log data on counsel's IP address, the files counsel accesses and the dates and times counsel views these files. Such data collection, if this in fact does occur, would violate the confidentiality of the lawyer-client relationship.

Sincerely,



Kevin Barron
Encl.

CERTIFICATE OF SERVICE

Counsel certifies that he has today caused a true copy of this document to be served upon the attorneys for all the parties through the CM/ECF of this District as set forth in the Notice of Electronic Filing and that no party requires service by other means.

s/ Kevin L. Barron